

EXHIBIT O

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20 *Counsel for Non-Party*
21 *Oxford Nanopore Technologies, Inc.*

22 **UNITED STATES DISTRICT COURT**
23 **NORTHERN DISTRICT OF CALIFORNIA**

24 THE REGENTS OF THE UNIVERSITY OF
25 CALIFORNIA, a California corporation,

26 Plaintiff,

27 v.

28 ROGER JINTEH ARRIGO CHEN, an individual;
GENIA TECHNOLOGIES, INC., a Delaware
corporation; and DOES 1-25,

Defendants.

Case No. 3:16-cv-07396-EMC

**NON-PARTY OXFORD NANOPORE
TECHNOLOGIES, INC.'S
RESPONSES AND OBJECTIONS TO
DEFENDANT GENIA
TECHNOLOGIES, INC.'S SUBPOENA
TO PRODUCE DOCUMENTS**

SPECIFIC OBJECTIONS AND RESPONSES
TO THE REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All documents referring or relating to any agreements between ONT on the one hand, and Plaintiff and/or UCSC on the other hand.

RESPONSE NO. 1:

Oxford incorporates by reference each of its general objections above. Oxford objects to this Request to the extent it calls for information protected from discovery by the attorney-client privilege, attorney work-product doctrine, common-interest privilege, or any other applicable privilege or immunity, or that is otherwise protected from disclosure under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or the relevant statutory or case law. Oxford further objects to this Request because it does not describe with particularity each item or category as required by Rule 34(b) of the Federal Rules of Civil Procedure and would be unduly burdensome for Oxford. Oxford further objects to this request to the extent it requests “All documents” rather than documents sufficient to show the requested information. Oxford objects to this Request to the extent it uses unlimited, undefined, subjective, or open-ended terms and phrases that are vague, ambiguous, overbroad, or unduly burdensome, including “all,” “any,” “relating to,” and “referring to.” Oxford objects to this Request to the extent that it would impose a duty on Oxford to undertake a search for, or an evaluation of, or production of information, documents, or things for which Defendants are equally able to search for, evaluate, and obtain, including documents that are publicly available, in the possession of Plaintiffs, and/or are already in the possession of Defendants. Oxford further objects to this Request as overbroad, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, not proportional to the needs of this case, and beyond the scope of permissible discovery to the extent it seeks documents without regard to the relevance to any claims or defenses in this case.

Subject to, and not waiving, its general and specific objections, Oxford will produce relevant, non-privileged documents proportional to the needs of this case that are sufficient to identify any agreements between Oxford on the one hand and Plaintiff and/or UCSC on the other hand.

1 Civil Procedure, the Federal Rules of Evidence, or the relevant statutory or case law. Oxford
2 further objects to this Request because it does not describe with particularity each item or
3 category as required by Rule 34(b) of the Federal Rules of Civil Procedure and would be unduly
4 burdensome for Oxford. Oxford further objects to this Request to the extent it requests “All
5 documents” rather than documents sufficient to show the requested information. Oxford objects
6 to this Request to the extent it uses unlimited, undefined, subjective, or open-ended terms and
7 phrases that are vague, ambiguous, overbroad, or unduly burdensome, including “all,” “relating
8 to,” “any,” and “referring to.” Oxford objects to this Request to the extent that it would impose
9 a duty on Oxford to undertake a search for, or an evaluation of, or production of information,
10 documents, or things for which Defendants are equally able to search for, evaluate, and obtain,
11 including documents that are already in the possession of Defendants.

12 Subject to, and not waiving, its general and specific objections, to the extent they exist
13 and are in the custody and control of Oxford, Oxford will produce relevant, non-privileged
14 documents proportional to the needs of this case that reflect valuation of the Genia Patents.

15 **REQUEST NO. 8:**

16 All communications between ONT on the one hand and Plaintiff and/or UCSC on the
17 other hand referring or relating to the alleged UCSC Inventions or the University Patent
18 Applications.

19 **RESPONSE NO. 8:**

20 Oxford incorporates by reference each of its general objections above. Oxford objects to
21 this Request to the extent it calls for information protected from discovery by the attorney-client
22 privilege, attorney work-product doctrine, common-interest privilege, or any other applicable
23 privilege or immunity, or that is otherwise protected from disclosure under the Federal Rules of
24 Civil Procedure, the Federal Rules of Evidence, or the relevant statutory or case law. Oxford
25 objects to this Request as not limited to a specific time period or a reasonable time frame
26 relevant to this case. Oxford further objects to this Request to the extent it is not described with
27 reasonable particularity, in that it seeks “All communications.” Oxford objects to this Request to
28 the extent it uses unlimited, undefined, subjective, or open-ended terms and phrases that are

1 vague, ambiguous, overbroad, or unduly burdensome, including “all,” “relating to,” and
2 “referring to.” Oxford objects to this Request to the extent that it would impose a duty on
3 Oxford to undertake a search for, or an evaluation of, or production of information, documents,
4 or things for which Defendants are equally able to search for, evaluate, and obtain, including
5 documents that are publicly available, in the possession of Plaintiffs, and/or are already in the
6 possession of Defendants. Oxford further objects to this Request as overbroad, irrelevant, not
7 reasonably calculated to lead to the discovery of admissible evidence, not proportional to the
8 needs of this case, and beyond the scope of permissible discovery to the extent it seeks
9 documents without regard to the relevance to any claims or defenses in this case.

10 Subject to, and not waiving, its general and specific objections, Oxford will produce
11 relevant, non-privileged documents proportional to the needs of this case that are responsive to
12 this Request to the extent that they exist, are in the custody and control of Oxford, and are
13 reasonably accessible.

14
15 **REQUEST NO. 9:**

16 All communications between ONT on the one hand and Plaintiff and/or UCSC on the
17 other hand referring or relating to the ONT Patent Applications.

18 **RESPONSE NO. 9:**

19 Oxford incorporates by reference each of its general objections above. Oxford objects to
20 this Request to the extent it calls for information protected from discovery by the attorney-client
21 privilege, attorney work-product doctrine, common-interest privilege, or any other applicable
22 privilege or immunity, or that is otherwise protected from disclosure under the Federal Rules of
23 Civil Procedure, the Federal Rules of Evidence, or the relevant statutory or case law. Oxford
24 objects to this Request as not limited to a specific time period or a reasonable time frame
25 relevant to this case. Oxford further objects to this Request to the extent it is not described with
26 reasonable particularity, in that it seeks “All communications.” Oxford objects to this Request to
27 the extent it uses unlimited, undefined, subjective, or open-ended terms and phrases that are
28 vague, ambiguous, overbroad, or unduly burdensome, including “all,” “relating to,” and

1 to this Request to the extent it uses unlimited, undefined, subjective, or open-ended terms and
2 phrases that are vague, ambiguous, overbroad, or unduly burdensome, including “all,” “relating
3 to,” and “referring to.” Oxford further objects to this Request as overbroad, vague and
4 ambiguous, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence,
5 overly burdensome, and beyond the scope of permissible discovery. Oxford objects to this
6 Request as not limited to a specific time period or a reasonable time frame relevant to this case.

7 Subject to, and not waiving, its general and specific objections, Oxford will produce
8 relevant, non-privileged documents proportional to the needs of this case that are responsive to
9 this Request to the extent that they exist, are in the custody and control of Oxford, and are
10 reasonably accessible.

11 **REQUEST NO. 14:**

12 All communications between UCSC, Plaintiff, and/or their representatives or agents on
13 the one hand, and ONT and its representatives or agents on the other hand, relating to Genia,
14 Roger Chen, or the Genia Patents.

15 **RESPONSE NO. 14:**

16 Oxford incorporates by reference each of its general objections above. Oxford objects to
17 this Request to the extent it calls for information protected from discovery by the attorney-client
18 privilege, attorney work-product doctrine, common-interest privilege, or any other applicable
19 privilege or immunity, or that is otherwise protected from disclosure under the Federal Rules of
20 Civil Procedure, the Federal Rules of Evidence, or the relevant statutory or case law. Oxford
21 objects to this Request as not limited to a specific time period or a reasonable time frame
22 relevant to this case. Oxford further objects to this Request as it is not described with reasonable
23 particularity, in that it seeks “All communications.” Oxford objects to this Request to the extent
24 it uses unlimited, undefined, subjective, or open-ended terms and phrases that are vague,
25 ambiguous, overbroad, or unduly burdensome, including “all” and “relating to.” Oxford further
26 objects to this Request as vague and ambiguous, irrelevant, not reasonably calculated to lead to
27 the discovery of admissible evidence, overly burdensome, and beyond the scope of permissible
28 discovery to the extent it seeks documents without regard to the relevance to any claims or

1 defenses in this case. Oxford objects to this Request to the extent that it would impose a duty on
2 Oxford to undertake a search for, or an evaluation of, or production of information, documents,
3 or things for which Defendants are equally able to search for, evaluate, and obtain, including
4 documents that are publicly available, in the possession of Plaintiffs, and/or are already in the
5 possession of Defendants.

6 Subject to, and not waiving, its general and specific objections, Oxford will produce
7 relevant, non-privileged documents proportional to the needs of this case that are responsive to
8 this Request to the extent that they exist, are in the custody and control of Oxford, and are
9 reasonably accessible.

10 **REQUEST NO. 15:**

11 All communications between UCSC, Plaintiff, and/or their representatives or agents on
12 the one hand, and ONT and its representatives or agents on the other hand, relating to this
13 Action.

14 **RESPONSE NO. 15:**

15 Oxford incorporates by reference each of its general objections above. Oxford objects to
16 this Request to the extent it calls for information protected from discovery by the attorney-client
17 privilege, attorney work-product doctrine, common-interest privilege, or any other applicable
18 privilege or immunity, or that is otherwise protected from disclosure under the Federal Rules of
19 Civil Procedure, the Federal Rules of Evidence, or the relevant statutory or case law. Oxford
20 objects to this Request as not limited to a specific time period or a reasonable time frame
21 relevant to this case. Oxford further objects to this Request because it does not describe with
22 particularity each item or category as required by Rule 34(b) of the Federal Rules of Civil
23 Procedure and would be unduly burdensome for Oxford. Oxford further objects to this Request
24 as not described with reasonable particularity, in that it seeks "All communications." Oxford
25 objects to this Request to the extent it uses unlimited, undefined, subjective, or open-ended
26 terms and phrases that are vague, ambiguous, overbroad, or unduly burdensome, including "all"
27 and "relating to." Oxford further objects to this Request as overbroad, vague and ambiguous,
28 irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, and/or not

1 proportional to the needs of this case. Oxford objects to this Request to the extent that it would
2 impose a duty on Oxford to undertake a search for, or an evaluation of, or production of
3 information, documents, or things for which Defendants are equally able to search for, evaluate,
4 and obtain, including documents that are publicly available, in the possession of Plaintiffs,
5 and/or are already in the possession of Defendants.

6 Subject to, and not waiving, its general and specific objections, Oxford will produce
7 relevant, non-privileged documents proportional to the needs of this case that are responsive to
8 this Request to the extent that they exist, are in the custody and control of Oxford, and are
9 reasonably accessible.

10 **REQUEST NO. 16:**

11 All communications between ONT or its representatives, employees, or agents on the one
12 hand, and Roger Chen and/or Genia or any of its representatives, employees, or agents on the
13 other hand, including without limitation any communications between or among Gordon
Sanghera, Pratima Rao, and Stefan Roever in 2012.

14 **RESPONSE NO. 16:**

15 Oxford incorporates by reference each of its general objections above. Oxford objects to
16 this Request to the extent it calls for information protected from discovery by the attorney-client
17 privilege, attorney work-product doctrine, common-interest privilege, or any other applicable
18 privilege or immunity, or that is otherwise protected from disclosure under the Federal Rules of
19 Civil Procedure, the Federal Rules of Evidence, or the relevant statutory or case law. Oxford
20 objects to this Request as overbroad, irrelevant, not reasonably calculated to lead to the
21 discovery of admissible evidence, not proportional to the needs of this case, and beyond the
22 scope of permissible discovery. Oxford further objects to this Request because it does not
23 describe with particularity each item or category as required by Rule 34(b) of the Federal Rules
24 of Civil Procedure and would be unduly burdensome for Oxford. Oxford further objects to this
25 Request as it is not described with reasonable particularity, in that it seeks "All
26 communications." Oxford objects to this Request to the extent it uses unlimited, undefined,
27 subjective, or open-ended terms and phrases that are vague, ambiguous, overbroad, or unduly
28 burdensome, including "all" and "any." Oxford further objects to this Request as overbroad,

1 DATED: October 17, 2017

BAKER BOTTS LLP

2 **By:** /s/ Stuart C. Plunkett

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Counsel for Non Party

15 *Oxford Nanopore Technologies, Inc.*

CERTIFICATE OF SERVICE

On October 17, 2017, I served the following documents entitled:

**NON PARTY OXFORD NANOPORE TECHNOLOGIES INC.'S RESPONSES AND
OBJECTIONS TO DEFENDANTS' SUBPOENA**

by serving true copies of the above-described documents in the following manner:

 X BY ELECTRONIC MAIL: The above-described documents were transmitted
via electronic mail to the following parties on October 17, 2017:

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The parties on whom this electronic mail has been served has agreed in writing to such form of service pursuant to agreement.

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 17, 2017, at San Francisco, California.

/s/ Elizabeth D. Flannery
Elizabeth D. Flannery